

DIST. OF		DOCKET		FILING DATE		J		N/S		R		R		DEMAND		JUDGE		JURY		DOCKET	
YR.	NUMBER	MO.	DAY	YEAR											OTHER	NUMBER	DEM.	YR.	NUMBER		
1085/4	76	0171	4	16	76	4	190	1	14					500		8510		76	0171-8		

PLAINTIFFS

DEFENDANTS

Roger-Mark Co., Inc. a corporation
and Charles Livingston

Blackstone Corporation,
a foreign corporation

CAUSE

Breach of Contract

ATTORNEYS

Mr. Robert H. Tips
Tips & Gibson, Inc.
~~324 Main Mall~~ 5th Floor
~~Suite 600~~ Mid-Continent Bldg.
Tulsa, Oklahoma 74103

Dallas E. Ferguson
1200 Atlas Life Building
Tulsa, Oklahoma 74103

Dallas E. Ferguson
DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON
1000 Atlas Life Building
Tulsa, Oklahoma 74103
582-1211

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED

JS-5 5-1-76 (5-1-79)

JS-6 1-1-77 9-1-78

Judge Barrow

DATE 1976	NR.	PROCEEDINGS
4-16 5-3	1	Complaint filed. Summons Issued.t Summons, ret. & filed: served Blackstone Corp. , Jamestown, N.Y. on 4-23-76. (USM \$23.20)g
5-13	2	Application for Ext. of Time, filed.t (Deft.Appl.) O-J
5-18	3	Order, filed that Deft Blackston Corp. is hereby granted an Ext. of Time of 20 days from May 13, 1976 within which to file appropriate mots. or responsive pleadings to the Compl. filed herein.(AEB-J)t cps. Mld. (Ans due on June 2, 1976)
6-2	4.	Appl. of def. for ext. of time to plead or ans., filed. rm
6-3	5.	Order, filed, granting def. 20 days from 6/2/76 to plead or ans.(AEB-J)
6-22	6.	Deft's application for extension of time from 6-22-76 to file motions or responsive pleadings to the complaint, filed.s O to J
6-23	7.	Order, filed, granting deft. til 7-12-76 to plead or answer. (AEB-J)k
7-12	8	Deft's mot. to dismiss and mot. to strike, filed. g
7-12	9	Brief in support of mots. to dismiss and to strike. g
7-12	MO	Pltfs directed to respond to mot. to dissmis and to strike within 10 days. (AEB-J)g
7-26	10	Pltfs' appl. for twenty days from 7-23 to respond to deft's mot. to dismiss, filed.k O to J
7-30	--	Order, as part of pldg. #10, fld., granting 20 days ext. of time from 7-23-76 to file Respondents' Brief to Mot. to Dismiss & the Mot. to Strike of the Deft. (AEB-J)v
8-19-	11	Pltf's application for ext. of time (45 days from 8-12-76)-cps. mld. to file responsive brief to Deft's Motion to Dismiss & Motion to Strike, filed, w/order as part of application.s O TO J
8-24		Order, filed, (part of applic.) granting Pltf's 45 days (til 9-26-76) to file response to Deft's motion to dismiss & strike.(AEB-J)b cps mld
9-29	12	Pltfs. application for extension of time to file response to brief w/order attached granting till 10-18-76 for pltf. to file response to deft's mot. to dismiss and mot. to strike, filed.s(AEB-J) cps. mld.
10-18	13	Pltf's brief in response to deft's mot. to dismiss/Mot. to strike, filed. g
10-19	MO	Case referred to Mag. Morris L. Bradford for findings & recommendations on deft's motion to dismiss. (AEB-J)k
10-22	14	Deft's first request for production of documents and things, filed.lm
10-22	15	Deft's first interrogs., filed.lm
12-2	16.	Answers to deft's first interrogs., filed. lm
12-3	17.	Pltfs' response to deft's first request for production of documents and things, filed.s
12-17	18.	Order, filed, and entered, that cause of action and complaint be dismissed and deft's motion to dismiss is sustained, based on action being barred by applicable 3 yr. statute of limitations. (AEB-J)lm cps mld
12-27	19	Application For Taxation of Attorney's Fees as Costs, by Deft., filed. js
12-27	20	Brief in Support of Deft. Application for Taxa tion of Atty Fees as costs., filed. js
12-28	21	Pltfs' motion to reconsider order entered 12-17-76, filed.s
12-28	22	Pltfs' mot. for ext. of time to file brief w/ order as part of application, filed.s O to J
12-30		Order, filed, granting pltfs. til 1-13-77 to file brief. (AEB-J)k cps mld

PLAINTIFF

DEFENDANT

Roger-Mark Co., Inc.

Blackstone Corporation

DOCKET NO. _____

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DATE	NR.	PROCEEDINGS
1977		
1-4	MO.	It is ordered by the Court that the Pltf. file a responsive brief within ten (10) days to the def't's application for taxation of attorney's fees as costs.s (AEB-J) cps. mld.
1-13	23.	Pltf's brief in support of their motion to reconsider, filed.s
1-13	24.	Pltfs' motion for oral argument and brief as part of motion, filed.s
1-14	MO	It is ordered by the Court that the Deft. file a responsive brief within ten (10) days to Pltf's motion for oral argument.s (AEB-J) cps. mld.
1-13	25.	Pltfs' application for leave within which to file brief in response to def't's application for taxation of atty's fees as costs, filed.s
1-24	26.	Deft's application for ext. of time to file brief in response to pltf's motion to reconsider, filed.s O to J
1-24	27.	Deft's brief in response to pltfs' motion for oral argument, filed.s
1-25	28.	Order, filed, granting pltfs. 10 days from the date of the Ct.'s ruling on pltf's mot. to reconsider its order dismissing action to file their brf. in resp. to def't's appl. for taxation of attorney's fees as costs.s (AEB-J) cps. mld.
1-25	29.	Order, fld., that Deft. Blackstone Corp. is granted 20 days from 1-27-77 to file its brief in response to the mot. to reconsider. (AEB-J)v -cps. mld.
2-14	30.	Deft's application for ext. of time to respond to mot. to reconsider, filed.s O to J
2-15	31.	Order, filed, granting def. ext. of 15 days from 2/16/77 to file brief in response to mo/reconsider of pltf.(AEB-J)rm-copies mailed
3-3	32	Deft. brief opposing pltf. mot to reconsider. fld ho
5-24	33	Order, fld. It is ordered, that the mot. to reconsider fld. by Pltfs. be denied. Further the mot. for Oral Argument fld. by Pltfs. w/regard to the mot. to reconsider is also denied. Pursuant to the Order of this Court entered 1-25-77, Pltfs. are given 10 days from this date to file their brief in response to Defts. appl. for taxation of atty. fees & costs. (AEB-J) cps mld. ho
6-3	34	Pltfs. appl/for ext. of time to file its responsive brief to Defts. appl for taxation of atty. fees. fld. ho O to J.
6-6		Order as part of appl., fld. granting Pltfs. a 20 day ext. of time until 6-26-77 to file its responsive brief to Defts. appl. for taxation of atty. fees as costs. (AEB-J) cps mld. ho
6-21	35	Notice of appeal by pltfs. from judg. of 12/27/76 and order overruling mo/reconsider of 5/24/77, filed. rm (copy to USCA)
6-21	36	Designation of record on appeal by pltfs., filed. rm
6-21	37	Motion of pltfs. for stay of taxation of costs and atty fees, filed.rm
6-22	MO	The Court has for consideration the pltf's mot. for stay, and, being fully advised in the premises, finds that said mot. should be granted. It is, therefore, ordered that pltf's mot. for stay be and the same is hereby sustained. (AEB-J)k cps mld

CIVIL DOCKET CONTINUATION SHEET

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1977			
6-22	38	Bond for costs on appeal. fld. ho	
7-1	39	Deft. objection to and appl. for reconsideration of Pltfs. mot. for stay. fld. ho	
7-1	40	Brief in supp. of Defts. objection to and appl. for reconsideration of Pltfs. mot. for stay. fld. ho	
7-1	MO	It is ordered by the Ct. that the Pltfs. file a responsive brief w/in 10 days to Deft. objection to and appl. for reconsideration of Pltfs. mot. for stay. (AEB-J) cps mld. ho	
7-28	---	Letter from 10th Circuit, assigning No. 77-1578. rm	
7-28	41.	Pltfs' brief in response to deft's appl. for taxation of atty's fees as costs, filed.k	
7-28	---	Appeal record (1 vol) transmitted to USCA.rm	
8-5	42	Order, fld./that Defts. mot. for reconsideration of Pltf. mot. for stay is overruled. (AEB-J) cps mld. ho	
4-11-79	43	Mandate and opinion of 10th Circuit, filed and spread of record, reversing & remanding cause for further proceedings in accordance with opinion. rm	
4-12	---	Appeal record (1 vol) received from 10th Circuit. rm	
4-27	44	ANSWER, FLD. b	
6-6	MO:	PT HRG set 6-15-79, 11:30 A.M.; disc to be completed by 6-13-79; PT memo or order due 6-14-79. (HDC-J)b nts mld	
6/12	45.	DEPO/NOTICE re Chas. Livingston on 6/20/79 in Tulsa. v	
6-14	46.	JOINT APPL. for 90 day continuance of PT hrg. set on 6-15-79 at 11:30 a.m. for 90 days. (HDC-J)k cps mld <i>note by phone</i>	
6-15	47	ORDER continuing PT hrg. set on 6-15-79 at 11:30 a.m. for 90 days. (HDC-J)k cps mld <i>note by phone</i>	
6-19	48	APPLIC. of Pltf. for Refund of Bond for costs on appeal.b <i>0 to be in 8-21</i>	
6-19	49	NOTICE of deft. to take deposition of pltf. Chas. Livingston on 7-24-79 at Tulsa, OK.k	
7-10	MO:	PT HRG set 9-28-79, at 1:30 P.M. Disc to be completed by 9-18-79. PTO or memo due 9-21-79 (HDC-J)b nts mld	
7-27	50	APPLIC. for continuance of pre-trial.b <i>0 to be in 8-21</i>	
7-27	51	ORDER, that Clerk refund bond for costs on appeal to Robert H. Tips, in amt. of \$250.00 (HDC-J)b cps mov	
8-31-79	52	ORDER, that pre-trial is stricken from 9-28-79, & contd., for 180 days or until 3-27-80. (HDC-J)b cps mov	
11-9	MO:	CASE TRANSFERRED TO JUDGE JAMES O. ELLISON. (JCS-CLK)jc	

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1980			
2-27	MO:	PT HRG set 4-4-80, 9:00 A.M. Discov. to be compl. by 3-19-80; PT memo or order due 3-27-80. (JOE-J)b nts mld	
3-5	53	APPL. of pltfs. for 120 day ext. of PT proceedings.k (O)	
3-5	54	APPL. of pltfs. for permission to file amended compl.k (O)	
3-6	55	ORDER, striking PT hrg. from 4-4-80 & cont. discov. for 120 day (7-15-80) (JOE-J)b	
3-6	56	ORDER, that pltf. is granted leave to file amended complt. (JOE-J)b	
3-6	57	AMENDED COMPLAINT. b	
3-21	58	ANSWER to amended complaint.k	
4-29	MO:	PT HRG set 7-2-80, 12:00 P.M. Discov. to be complt by 6-13-80; PT memo or order due 6-19-80 (JOE-J)b n/m	
6-12	59	APPLICATION of deft for ext of time to complete disc and for contin- uance of PT Hrg.ra (O)	
6-16	60	ORDER that the deadline for discovery is extended to 12-10-80 & that the pre-trial hrg. set on 7-2-80 is continued for at least 180 days, to be rescheduled by the Court. (JOE-J)k cps/mvt	
9-16	61	NOTICE to take depos upon oral examination of pltf's.am	
10-29	MO:	PT HRG. set 1-8-81, 10:00 a.m. Discov. to be complete by 12-12-80; PT memo or order due 12-22-80 (JOE-J)b n/m	
12-22	62	JOINT APPLICATION for ext. of time to complete discovery and for continuance of pretrial hearing.mm (O)	
12-29	63	ORDER, that <u>disc.</u> is <u>extended to 4-13-81</u> & PT hrg. is stricken from 1-8-81, to be reset after 120 days. (JOE-J)b c/m	
1981			
4-1	MO:	PT HRG. set 5-15-81, 3:00 P.M. PT memo or Order due 5-1-81 (JOE-J)b n/m	
4-15	64	APPLICATION of Deft. for extension of time w/i which to complete disc. and for continuance of PT hrg. pt (O)	
4-21	65	ORDER, that disc. is extended to 9-2-81 & PT hrg. set for 5-15-81 continued for a period of 120 days (JOE-J) pt cps/mld	
6-25	MO	PT hrg. set for 10-16-81 at 2:30 p.m.; disc. cutoff 9-14-81; & PT memo or order due 9-28-81. (JOE-J) pt Ntc/mld	
9-2	66	APPLICATION of pltfs to ext. disc. comp. date & PT date. (O to J)hm	
9-3	MO:	ORDERED that pltfs' appl.cont. is denied & Ct. will hold Prel. PT conf. on 10-16-81 & consider any ext. of discov. at that time. (JOE- b n/m	

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1981			
9 -11	MO:	PREL. PT CONF. will be held as scheduled on 10-16-81 & deft. co. is permitted to have an atty from his firm present in his absence. (JOE-J)b n/m	
10-16	MIN:	PT HRG. J/T granted. Deft. to file mot/SJ by 4-1-82. Pltf. 20 days after to resp. Discov. ext. to 2-1-82; Req. instr. v/d & tr bfs due 4-15-82. PTO w/schedule of dates due 10-21-81, 5:00 p.m. J/T set 5-17-82, 9:30 a.m.(JOE-J)b	
10-30	67	PRETRIAL memorandum of ptys; w/addendum to PTO scheduling events per 10-16-81 PT Hrg. jc	
1982			
3-10	MO:	J/T set 5-17-82, 9:30 a.m.(JOE-J)b n/m	
3-31	---	DEPO of Charles M. Livingston taken on behalf of deft on 11/28/80. (fee:\$224.00)a	
3-31	---	DEPO of Charles M. Livingston taken on behalf of deft on 10/8/80. (fee;\$280.00)a	
3-31	---	DEPO of Continuing of Charles M. Livingston on 10/28/80--pd by deft (fee:\$180.00)a	
3-31	---	DEPO of Charles M. Livingston taken on behalf of deft on 4/22-23/81 (fee:\$326.00)a	
3-31	---	DEPO of Charles M. Livingston taken on behalf of deft(continuing depo)(fee:\$198.00) taken on 10/23/80)a	
4-1	68	MOTION of deft for S/J. jc	
4-1	69	BRIEF in support of #68. jc <i>(Order granted 4-2-82)</i>	
4-2	70	INDEX & TABLE OF AUTHORITIES to brief in support of mot. #68. pt	
5-11	MO	Case re-set for J/T on 5/24/82 at 9:30.(JOE-J)cs ptys/phoned.	
5-12	71	APPLIC of defts for enlargment of time to file trail briefs.(0 to J)a	
5-17	72	REPLY BRIEF in support of motion for S/J of deft. Blackstone.cs	
5-20	MO:	CONFERENCE set 5-24-82, 1:00 p.m. J/T passed to 6-1-82, 9:30 a.m. (JOE-J)b n/phone	
5-20	73	ORDER grnating parties have 5 days for the date the Ct enters a ruling on Blackstones mot/SJ in which to file in this case their trial briefs, suggested VD & req instr.(JOE-J)a cps/mvt	
5-20	74	RESP of pltfs to defts mot/SJ & BRIEF in support.a cps/mld to pltf	

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FPI-MAR

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DATE 1982	NR.	PROCEEDINGS
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5-24	MIN:	CONFERENCE on pending motions. Court sustains mot/partial SJ & denies mot/SJ of deft. J/T PASSED to 6-11-82, 9:30 a.m. Exemplary damages to be stricken from compl. Deft. to prepare 0 re rulings in 7 days(JOE-J)b
6-7	MO:	Case stricken from 6-11-82 J/T DKT pending settle. Papers due in 2 wks.(JOE-J)b Phone conversation w/Tips
7-27	75	ORDER per PT conf held on 5/24/82.(JOE-J)a cps/ml d
8-24	76	STIPULATION for dismissal w/prejudice.(0 to J)a
8-27	77	ORDER dismissing case with prejudice, with each pty bearing its costs & atty's fees. (JOE-J) cm bb
11-5	--	DEPOSITIONS returned to deft counsel. hm

7/19 - P has checked papers & must sign

7/16/82 Called re settle papers not wk.

FPI-MAR

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DC-111A REV. (1/75)